

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRUCE KANTOR, On Behalf of Himself and	:	Civil Action No. CV-05-0967
All Others Similarly Situated,	:	
	:	<u>Honorable Leonard D. Wexler</u>
Plaintiff,	:	
	:	<b>STIPULATION AND PROPOSED ORDER</b>
vs.	:	
	:	
VEECO INSTRUMENTS, INC., et al.,	:	
	:	
Defendants.	:	
_____	X	

WHEREAS, Plaintiff filed his Original Class Action Complaint alleging that Defendants committed violations of the Securities Exchange Act of 1934;

WHEREAS, other similar putative class actions alleging violations of the Securities Exchange Act of 1934 were filed against Defendants as follows:

1. *L.I.S.T., Inc. v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-02189 (filed Feb. 15, 2005)
2. *McIntosh v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-00889 (filed Feb. 16, 2005)
3. *Linzer v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-00957 (filed Feb. 18, 2005)
4. *Walker v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01003 (filed Feb. 23, 2005)
5. *Collins v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01277 (filed Mar. 9, 2005)
6. *Holthuizen v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01337 (filed Mar. 11, 2005)
7. *Kershaw v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-02929 (filed Mar. 16, 2005)
8. *Vogt v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01430 (filed Mar. 18, 2005)
9. *Grove v. Veeco Instruments, Inc. et al.*, Case No. 05-CV-01552 (filed Mar. 24, 2005);

WHEREAS, the *L.I.S.T., Inc.* and *Kershaw* actions were filed in the United States District Court for the Southern District of New York, and the remaining actions listed above were filed in the United States District Court for the Eastern District of New York;

WHEREAS, Plaintiff and Defendants expect that motions to consolidate these actions shall be filed, that motions for appointment of lead plaintiff and to approve selection of counsel to

represent the putative class shall be filed, and that, thereafter, a consolidated amended complaint shall be filed; and

WHEREAS, in the interests of judicial economy and efficiency, Plaintiff and Defendants wish to extend Defendants' original deadline to answer, move, or otherwise respond to the complaint in this action until after a consolidated amended complaint is filed.

THEREFORE, Plaintiff and Defendants hereby agree and stipulate to the following:

1. Defendants shall have no obligation to move, answer, or otherwise respond to Plaintiff's Original Class Action Complaint.

2. Defendants shall be deemed to have accepted service of Plaintiff's Original Class Action Complaint.

3. Plaintiff shall have sixty (60) days from the entry of the order appointing lead plaintiff to file a consolidated amended complaint.

4. The date by which Defendants must move, answer, or otherwise respond to Plaintiff's amended consolidated complaint shall be extended until and through forty-five (45) days after the date on which such amended consolidated complaint is filed with the Court.

5. If Defendants make a motion to dismiss the consolidated amended complaint, Plaintiff shall have forty-five (45) days to oppose Defendants' motion to dismiss the consolidated amended complaint. Defendants shall then have thirty (30) days to reply to Plaintiff's opposition.

Dated: New York, New York  
May 5, 2005

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP

By: Mari Alba

Samuel H. Rudman (SR-7957)  
David A. Rosenfeld (DR-7564)  
Mario Alba, Jr. (MA-7240)  
200 Broadhollow Road, Ste 406  
Melville, NY 11747  
Telephone: 631/367-7100  
631/367-1173 (fax)  
*Counsel for Plaintiff*

GIBSON, DUNN & CRUTCHER LLP

By: Robert F. Serio

Robert F. Serio (RS-2479)  
200 Park Avenue, 47th Floor  
New York, NY 10166  
212/351-4000  
*Counsel for Defendants*

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE LEONARD D. WEXLER  
UNITED STATES DISTRICT COURT JUDGE